

STATE OF CALIFORNIA
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

PERMIT FOR DIVERSION AND USE OF WATER

PERMIT 21140

Application 31124 of **Bear Valley Community Services District**
 28999 Lower Valley Road
 Tehachapi, CA 93561

filed on **January 10, 2001**, has been approved by the State Water Resources Control Board (SWRCB)
SUBJECT TO PRIOR RIGHTS and to the limitations and conditions of this permit.

Permittee is hereby authorized to divert and use water as follows:

1. Source of water

Source:
Unnamed Stream

Tributary to:
Sycamore Canyon thence
Buena Vista Lake

within the County of **Kern**.

2. Location of point of diversion

By California Coordinate System of 1927, in Zone 5	40-acre subdivision of public land survey or projection thereof	Section (Projected)*	Township	Range	Base and Meridian
POD #1: North 606,700 feet and East 1,803,000 feet	NW¼ of NW¼	9	32S	31E	MD
POD #2: North 604,900 feet and East 1,806,200 feet	SE¼ of NE¼	9	32S	31E	MD
POD #3: North 605,500 feet and East 1,807,550 feet	SW¼ of NW¼	10	32S	31E	MD
Pod #4: North 606,600 feet and East 1,810,200 feet	NW¼ of NE¼	10	32S	31E	MD

3. Purpose of use	4. Place of use	Section (Projected)*	Township	Range	Base and Meridian	Acres
Recreation at:						
Four Island Lake	NW¼ of NW¼	9	32S	31E	MDM	
Jack's Hole	SE¼ of NE¼	9	32S	31E	MDM	
Cub Lake	NW¼ of NW¼	10	32S	31E	MDM	
	SW¼ of NW¼	10	32S	31E	MDM	
Surprise Lake	NW¼ of NE¼	10	32S	31E	MDM	
Irrigation	SE¼ of SW¼	4	32S	31E	MDM	7.3
	SW¼ of SE¼	4	32S	31E	MDM	6.3
	NE¼ of NE¼	8	32S	31E	MDM	0.6
	SE¼ of NE¼	8	32S	31E	MDM	1.4
	NW¼ of NW¼	9	32S	31E	MDM	6.9
	NE¼ of NW¼	9	32S	31E	MDM	2.7
	SW¼ of NW¼	9	32S	31E	MDM	11.4
	SE¼ of NW¼	9	32S	31E	MDM	8.0
	NW¼ of NE¼	9	32S	31E	MDM	12.7
	NE¼ of NE¼	9	32S	31E	MDM	6.0
	SW¼ of NE¼	9	32S	31E	MDM	27.9
	SE¼ of NE¼	9	32S	31E	MDM	11.8
					Total:	103.0

The place of use is shown on map on file with the SWRCB.

5. **Quantity - Storage, multiple.** The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed a total of 450 acre-feet per annum to be collected from November 1 of each year to March 31 of the succeeding year as follows: 210 acre-feet per annum (afa) in Four Island Lake Reservoir, 50 afa in Jack's Hole Reservoir, 50 acre-feet per annum in Cub Lake Reservoir and 140 acre-feet per annum in Surprise Lake Reservoir.

(0000005D)

6. **No Offseason Storage.** This permit does not authorize collection of water to storage outside of the specified season to offset evaporation and seepage losses or for any other purpose.

(0000005I)

7. **Complete Use.** Construction work and complete application of the water to the authorized use shall be prosecuted with reasonable diligence and completed by December 31, 2012.
(0000009)
8. **Maps for Larger Projects.** If it is determined after permit issuance that the as-built conditions of the project are not correctly represented by the map(s) prepared to accompany the application, permittee shall, at his expense have the subject map(s) updated or replaced with equivalent as-built map(s). Said revision(s) or new map(s) shall be prepared by a civil engineer or land surveyor registered or licensed in the State of California and shall meet the requirements prescribed in section 715 and sections 717 through 723 of the California Code of Regulations, Title 23. Said revision(s) or map(s) shall be furnished upon request of the Chief, Division of Water Rights.
(0000030)
9. **Outlet Pipe - Dams Built.** Permittee shall install and maintain an outlet pipe of adequate capacity in Jack's Hole reservoir as near as practicable to the bottom of the natural stream channel, or provide other means satisfactory to the State Water Resources Control Board, in order that water entering the reservoir which is not authorized for appropriation under this permit can be released. Before storing water in the reservoir, permittee shall furnish evidence which substantiates that the outlet pipes, or alternative facilities, has been installed in the dam. Evidence shall include photographs showing completed works or certification by a registered Civil or Agricultural Engineer.
(0050043BP)
10. **Maintain Existing Outlet Pipes.** Permittee shall maintain the existing outlet pipes in Four Island Lake, Cub Lake and Surprise Lake reservoirs in proper working order.
(000000S)

ALL PERMITS ISSUED BY THE STATE WATER RESOURCES CONTROL BOARD ARE SUBJECT TO THE FOLLOWING TERMS AND CONDITIONS:

- A. **Reduction in License.** The amount authorized for appropriation may be reduced in the license if investigation warrants.
(0000006)
- B. **Progress Reports.** Progress reports shall be submitted promptly by permittee when requested by the SWRCB until a license is issued.
(0000010)
- C. **Access to Project.** Permittee shall allow representatives of the SWRCB and other parties, as may be authorized from time to time by said SWRCB, reasonable access to project works to determine compliance with the terms of this permit.
(0000011)
- D. **Continuing Authority.** Pursuant to California Water Code sections 100 and 275, and the common law public trust doctrine, all rights and privileges under this permit and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of SWRCB in accordance with law and in the

interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

The continuing authority of the SWRCB may be exercised by imposing specific requirements over and above those contained in this permit with a view to eliminating waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source. Permittee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the SWRCB determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

The continuing authority of the SWRCB also may be exercised by imposing further limitations on the diversion and use of water by the permittee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the SWRCB determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution Article X, Section 2; is consistent with the public interest; and is necessary to preserve or restore the uses protected by the public trust.

(0000012)

- E. **Water Quality Objectives.** The quantity of water diverted under this permit and under any license issued pursuant thereto is subject to modification by the SWRCB if, after notice to the permittee and an opportunity for hearing, the SWRCB finds that such modification is necessary to meet water quality objectives in water quality control plans which have been or hereafter may be established or modified pursuant to Division 7 of the Water Code. No action will be taken pursuant to this paragraph unless the SWRCB finds that (1) adequate waste discharge requirements have been prescribed and are in effect with respect to all waste discharges which have any substantial effect upon water quality in the area involved, and (2) the water quality objectives cannot be achieved solely through the control of waste discharges.

(0000013)

- F. **Endangered Species.** This permit does not authorize any act which results in the taking of a threatened or endangered species or any act which is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish and Game Code sections 2050 to 2097) or the federal Endangered Species Act (16 U.S.C.A. sections 1531 to 1544). If a "take" will result from any act authorized under this water right, the permittee shall obtain authorization for an incidental take prior to construction or operation of the project. Permittee shall be responsible for meeting all requirements of the applicable Endangered Species Act for the project authorized under this permit.

(0000014)

- G. **Water Diversion and Use Records.** Permittee shall maintain records of the amount of water diverted and used to enable the State Water Resources Control Board to determine the amount of water that has been applied to beneficial use pursuant to Water Code Section 1605.

(0000015)

- H. **Stream Alteration Agreement.** No work shall commence and no water shall be diverted, stored or used under this permit until a copy of a stream or lake alteration agreement between the State Department of Fish and Game and the permittee is filed with the Division of Water Rights. Compliance with the terms and conditions of the agreement is the responsibility of the permittee. If a stream or lake agreement is not necessary for this permitted project, the permittee shall provide the Division of Water Rights a copy of a waiver signed by the State Department of Fish and Game.

(0000016)


This permit is issued and permittee takes it subject to the following provisions of the Water Code:

Section 1390. A permit shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code), but no longer.

Section 1391. Every permit shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a permit is issued takes it subject to the conditions therein expressed.

Section 1392. Every permittee, if he accepts a permit, does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any permit granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any permittee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any permittee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

STATE WATER RESOURCES CONTROL BOARD

for 
Edward C. Anton, Chief
Division of Water Rights

Dated: **JAN 02 2003**